

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LEONARD GATHRIGHT,

Plaintiff,

v.

GRETТА PHILLIPS, *et al.*,

Defendants.

Case No. 3:19-cv-00487-MMD-CSD

ORDER

*Pro se* Plaintiff Leonard Gathright brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 67), recommending that the Court dismiss Defendant John Doe Director of Nursing under Federal Rule of Civil Procedure 4(m) and grant Defendant Robert Lamb’s motion for summary judgment (ECF No. 64 (“Motion”)).<sup>1</sup> Gathright had until May 16, 2023 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R in full and grants the Motion.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Here, Judge Denney recommends dismissing Doe Director of Nursing because Plaintiff has not timely sought leave to amend to substitute in a defendant for Doe Director of Nursing. (ECF No. 67 at 2.) Judge Denney also recommends granting the Motion because Lamb provided evidence that he was not deliberately indifferent to Plaintiff’s serious medical need, and

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<sup>1</sup>The remaining Defendants have already been dismissed from this action.

1 Plaintiff did not file a response to create a genuine dispute as to any material fact. (*Id.* at  
2 5-6.) The Court agrees with Judge Denney. Having reviewed the R&R and the record in  
3 this case, the Court will adopt the R&R in full.


4 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
5 No. 67) is accepted and adopted in full.

6 It is further ordered that Defendant John Doe Director of Nursing is dismissed  
7 without prejudice under Federal Rule of Civil Procedure 4(m).

8 It is further ordered that Defendant Robert Lamb's motion for summary judgment  
9 (ECF No. 64) is granted.

10 The Clerk of Court is directed to enter judgment accordingly and close this case.

11 DATED THIS 22<sup>nd</sup> Day of May 2023.

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14 MIRANDA M. DU  
15 CHIEF UNITED STATES DISTRICT JUDGE  
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